



*Managing Maryland's Growth*

**Models and Guidelines for Infill  
Development**

**Maryland Department of Planning**

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**NEW STRUCTURES BUILT BEHIND SMALLER VERNACULAR HOMES IN CAPE MAY, N.J.**

Three story townhouses in the background threaten to become the dominant building type, overshadowing these small vernacular homes, pitting pressure for more expensive dwellings against a greater range of housing options.

## V. Model Infill Ordinance

Jurisdictions may adopt the following model infill ordinance, craft it to fit their particular needs, or identify an alternative approach to supporting infill. The appendix contains additional ordinance language such as parking guidelines, accessory units and live/work provisions, which may be 'plugged in' to the model ordinance as jurisdictions see fit. Local governments may already have regulations that support infill and require little or no modification in order to qualify for the incentives. The State does not require local jurisdictions to adopt the model Infill Ordinance.

*This model is intended for use in residential areas and also provides for commercial and mixed-use infill development. It may also be applied to situations where demolition has created opportunities for existing structures to be replaced with new construction, or where new street patterns can seamlessly be integrated with existing adjacent communities.*

### **Section 1: INTENT**

It is the general intent of this Ordinance to:

**(OTHER STATEMENTS OF INTENT MAY BE SUBSTITUTED HERE)**

- 1) Accommodate growth in (NAME OF LOCAL JURISDICTION) by encouraging and facilitating new development on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of (NAME OF JURISDICTION) residents.
- 2) Encourage efficient use of land and public services in the context of existing communities.
- 3) Stimulate economic investment and development in older established communities.
- 4) Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing communities.
- 5) Create a high quality community environment that is enhanced by a balanced compact mix of residential, commercial, recreational, open space, employment and institutional uses and building types.
- 6) Implement the goals, objectives, and policies of the comprehensive plan, or the small area plan.
- 7) Improve approval certainty for infill development by providing clear development standards.
- 8) Encourage compact development that is pedestrian-scaled and, if applicable, transit-oriented.

## Section 2: GENERAL REQUIREMENTS

**General:** The site plan shall incorporate the following elements to enhance compatibility with the surrounding community:

- (1)
  - (a) Sidewalks that connect to the adjacent sidewalk system;
  - (b) Public streets that connect to the adjacent street pattern;
  - (c) Preservation of architecturally significant structures whenever feasible;
  - (d) Inclusion of, or relationship to, civic spaces;
  - (e) Street furniture, lighting and landscaping that is primarily oriented to pedestrian use; and
  - (f) Setbacks, building envelopes, use and parking compatible with surrounding community.
- (2) All new buildings (except accessory structures) shall have the primary entrance oriented to the street or public walkway, with direct, barrier-free and convenient pedestrian connections.

## Section 3: PERMITTED USES

**General:** (CERTAIN TYPES) of uses and building types are allowed, including accessory dwellings and accessory buildings if they are consistent with the comprehensive plan.

### Residential (EXAMPLE FOR ACCESSORY DWELLINGS AND HOME OCCUPATIONS)

- (1) One Accessory dwelling unit per lot may be allowed in addition to the principal dwelling unit.
- (2) Home occupations are allowed if the use is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, and does not change the residential character of the dwelling.

### Commercial/Employment (EXAMPLE FOR LIVE/WORK UNITS)

- (1) Commercial/employment may be mixed vertically or horizontally with residential. First floor space (Live/work units) restricted to non-residential use in areas of predominantly commercial use.

Institutional/Civic/Public uses are permitted for not-for-profit uses.

Mixed Use may include dwelling types and uses other than what is permitted in the underlying zone by right, subject to consistency with the comprehensive plan. Mixed use should be planned for in the context of existing walkable amenities in the neighborhood.

- (1) Residential uses are the predominant element, unless the project plan demonstrates how the development contributes to and strengthens the overall mix of uses of the surrounding neighborhood.
- (2) Residential uses can be mixed vertically with commercial/employment, including single structure Live/work units.

## Section 4: DEVELOPMENT STANDARDS

**General:** Density, design, materials, use and scale should reflect local style, climate, heritage and materials unique to (NAME OF LOCAL JURISDICTION).

- (1) Density: may exceed the underlying zone (BY xx UNITS PER ACRE) for the purpose of creating a neighborhood having a variety of housing types.
  - (a) Total number of dwelling units as well as location to be established at the time of preliminary plan approval.
  - (b) Lot Size. Lot areas established in the preliminary plan shall be dependent on proposed densities, floor area ratios, setbacks, building heights and community compatibility.
    - (i) Existing Small Lot Amnesty. A legal lot of record that existed prior to the date of this

- Ordinance, may use Infill Ordinance minimum buildable lot standards.
- (ii) Minimum Buildable Lot Standards. See sample Ordinance language in Appendix B.
- (2) **Building Height.**
- (a) Buildings restricted to (X) stories or (XX) feet in height, or the average of adjacent buildings.
    - (i) Heights allowed by right or by special exception in the underlying zone.
    - (ii) If greater than the allowed maximum, the proposed building or structure must meet the following criteria for community compatibility:
      1. Neighborhood scale
      2. Privacy
      3. Light and shadow
      4. Views
      5. Architectural compatibility
- (3) **Building Setback.**
- (a) Setbacks as allowed by right in the underlying zone.
  - (b) Contextual setback option. May use an average of the setbacks of adjacent or abutting lots.
- (4) Bulk and Scale shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed development. Larger buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
- (5) Flexible development standards to reduce lot areas, widths and yards and to increase building heights may be permitted for infill developments at the discretion of the approving agency(s), subject to proof of good cause and benefit to the development and community, to encourage a variety of land uses, and to address difficult sites which incorporate infill and redevelopment or rehabilitation. Building height and coverage may vary so long as the project average is consistent with the neighborhood scale and architectural rhythm and does not constitute a disruptive condition in the identity of the area (See Section 5).

#### **Section 5: COMPATIBILITY STANDARDS**

**General:** Provides exemplary site design, architectural design and high quality materials that are compatible with, and does not negatively alter the character of, the existing neighborhood.

- (1) All permitted uses conform to the purposes of the Ordinance (Section 1) and are compatible with uses, existing or proposed in the comprehensive plan in the general vicinity of the proposed development. The following requirements shall apply:
  - (a) **Building Size, Height, Bulk, Mass, Scale.** Similar in height and size or articulated and subdivided into massing that is more or less proportional to other structures in the area, and maintains the existing architectural rhythm.
  - (b) **Building Orientation.** Primary facades and entries face the adjacent street with a connecting walkway that does not require pedestrians to walk through parking lots or across driveways.
  - (c) **Privacy.** Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses by considering the placement of windows and door entrances. Create opportunities for interactions among neighbors in common pedestrian circulation areas of the project.
  - (d) **Building Materials** shall be similar to materials of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc. to establish compatibility.
- (2) All planned uses, building types, and landscaping will be included on the preliminary plan and will demonstrate the relationships of the proposed development with existing offsite development in the context of the adjacent community. Compliance with these requirements shall in and of itself be deemed to create a presumption of compatibility.

#### **Section 6: OPEN SPACE and LANDSCAPING**

**General:** All open space, recreational amenities and landscaped areas shall be shown on the plan.

**Open space.** Infill development shall provide common public open space, if planned, except as follows:

- (1) **Proximity to public park.** An open space credit may be granted if a project is connected to, and located

within ¼ mile of, an improved public park by a continuous public sidewalk.  
**Landscaping.** Natural vegetative features and existing trees shall be incorporated into the site design if practicable. Long term management and maintenance plans for natural areas, street trees, and common open space shall accompany the project.

#### **Section 7: PUBLIC FACILITIES and UTILITIES**

**General:** Existing and planned public facilities should be shown on the plan.

- (1) All public streets, walkways and alleyways shall be shown on the plan. All through streets and walkways must be public. The local street and walkway system shall be safe, efficient, convenient, attractive and shall accommodate use by all segments of the population.
  - (a) The street and walkway system provides multiple, direct and continuous intra and inter-neighborhood connections between destinations.
  - (b) The street network shall include sidewalks on both sides of the street.
  - (c) Closed street systems are prohibited, but short 'keyhole' cul-de-sacs that connect to the main grid system are allowed when consistent with the surrounding community.
  - (d) Street widths should be consistent with the surrounding community and sized to promote walkability and multi-modal use.
- (2) Roads, lighting, sidewalks, street furniture, utilities and other public facilities should enhance pedestrian circulation.

#### **Section 8: PARKING**

**General:** Flexibility for the number of parking spaces shall be considered if the project is pedestrian-oriented and serviced within ¼ mile by a transit stop.

- (1) Parking for private automobiles is provided based on safety, convenience, pedestrian and vehicular circulation, and proximity of public parking and public transportation.
- (2) The parking plan may provide a combination of off-street and on-street spaces. On-street parking is encouraged.
- (3) Shared parking is encouraged.
- (4) Sub-grade single garages may be allowed at the front of the building subject to local design standards.
- (5) As is practicable, at-grade off-street parking areas should be located at the rear of the dwelling, with alley access.
- (6) All parking spaces shall be shown on the site plan.
- (7) Bicycle spaces shall be provided for commercial/employment and mixed-use projects.
- (8) Parking requirements can be waived where ample public parking is available in close proximity.

#### **Section 9: FINDINGS REQUIRED**

The jurisdiction shall approve the plan upon finding that:

- (1) The plan accomplishes the purposes, objectives and minimum standards and requirements of the overlay;
- (2) The plan is in accord with the area master plan;
- (3) The plan is internally and externally compatible and harmonious with existing and planned land uses in the area;
- (4) Existing or planned public facilities are adequate to service the proposed development;
- (5) The development staging program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and
- (6) The plan is consistent with the purposes and provisions of the smart growth areas act and other applicable Smart Growth legislation.

#### **Section 10: PROCEDURES FOR AMENDMENT**

<<TO BE DEVELOPED AS NEEDED>>

